

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

NADEZDA STEELE-WARRICK,  
individually and on behalf of all others  
similarly situated,

Plaintiff  
vs.

MICROGENICS CORPORATION AND  
THERMO FISHER SCIENTIFIC INC.,

Defendants

Hon. Vera M. Scanlon  
CASE 1:19-cv-06558-VMS

**DEFENDANT MICROGENICS  
CORPORATION'S NOTICE OF  
PARTIAL MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED  
CLASS ACTION COMPLAINT**

**PLEASE TAKE NOTICE** that Defendant Microgenics Corporation shall move before the Honorable Vera M. Scanlon, United States Magistrate Judge, on a date and at a time to be set by the Court, for an Order pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice the Second, Third, and Fourth Causes of Action in Plaintiff's Second Amended Class Action Complaint for failure to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that Microgenics Corporation shall rely upon the accompanying Memorandum of Law in support of its Motion, and upon the record and pleadings filed herein.

Respectfully submitted,

Dated: June 10, 2021.

*s/Nathan J. Marcusen*

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Christopher R. Carton (ID # CC0408)

Erica Mekles (ID # EM1020)

BOWMAN AND BROOKE LLP

317 George Street, Suite 320

New Brunswick, NJ 08901

Telephone: (201) 577-5175

[chris.carton@bowmanandbrooke.com](mailto:chris.carton@bowmanandbrooke.com)

[erica.mekles@bowmanandbrooke.com](mailto:erica.mekles@bowmanandbrooke.com)

Nathan J. Marcusen (*admitted PHV*)

BOWMAN AND BROOKE LLP

150 South Fifth Street, Suite 3000

Minneapolis, MN 55402

Telephone: (612) 339-8682

[nathan.marcusen@bowmanandbrooke.com](mailto:nathan.marcusen@bowmanandbrooke.com)

***Attorneys for Defendant Microgenics Corporation***